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| 09/970,587 | 10/04/2001 | John Pitts | 60,469-053; OT-4987 | 1199 |

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| EXAMINER |
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CHARLES, MARCUS

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/970,587
Filing Date: October 04, 2001
Appellant(s): PITTS ET AL.

David J. Gaskey
For Appellant

EXAMINER'S ANSWER

This is a Supplemental Examiner's Answer being sent out in response to the Remand from the Board of Patent Appeals and Interferences filed 3-26-2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

| | | |
|---------------|----------------|---------|
| JP 8-247221 A | Yaginuma Takao | 09-1996 |
| 4,976,662 | Miranti | 12-1990 |

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4,605,389

Westhoff

08-1986

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 15, 16, 19, 21-24 and 26-27 are rejected under 35 U.S.C. 103 (a).

Regarding claims 19-24, JP('8-247221) discloses a belt (1/10) comprising a plurality of cords (3/12) aligned generally parallel to the longitudinal direction of the belt, a jacket (2/11) over the cords; the jacket includes a plurality of grooves (4/13) spaced along the length of the belt on at least one side of the jacket and are disposed at an oblique angle to the longitudinal axis of the belt. JP('8-247221) does not disclose the spacing between the grooves vary along the length of the belt. Miranti, Jr. discloses a belt (figs. 8-9) comprising a plurality of grooves (28) spaced at varying distances along the length of the belt in order to reduce noise during operation (col. 6, lines 10-14). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to arrange the spacing of the grooves on the belt of JP('8-247221) so that the spacing vary along the length of the belt in view of Miranti, Jr. in order to reduce noise during operation.

In claim 24, each groove includes line segment with respect to the longitudinal axis of the belt (line segment to the left and right of the longitudinal axis).

Regarding claim 15, the method steps would be inherently included during the manufacturing of the belt of JP('8-247221) in view Miranti, Jr.('662).

In claims 16 and 23, note Miranti, Jr. discloses at least three sequential spacings are different from each other.

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Regarding claim 25, JP(8-247221) does not disclose that each groove comprises a plurality of line segment such that each line segment of a groove is at a different angle with the longitudinal direction of the belt. It would have been obvious to one of ordinary skill in the art as a matter of design choice to make the groove from different segments such that one segment is at a different angle with the longitudinal direction of the belt, since applicant has not disclosed that such configuration solves any specific stated problem or it is for any specific purpose compared to the other configurations disclosed. Therefore, it appears that the invention would perform equally well with the grooves segments at the same angle with the longitudinal direction.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP('8-247221) in view of Miranti, Jr. as applied to claim 19 and further in view of Westhoff('389). JP('8-247221) is silent concerning the materials of the jacket (body). Westhoff discloses a belt (102) made of polyurethane elastomer (96) because polyurethane elastomer is easy to cast or mold while maintaining flexible, high tear strength and good abrasion resistance. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the jacket of the belt of JP('8-247221) so that it is made from polyurethane elastomer in view of Westhoff so that the belt can be manufactured easily while maintaining high tear strength and good abrasion resistance, flexibility and low elongation properties.

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(10) Response to Argument

Applicant indicated that claims 15, 16, 19 and 21-27 define over the prior art because the examiner has not made a clear and particular showing of the suggestion to combine the references sufficient to support an obvious rejection. Examiner disagrees in part with applicant's argument for reasons set forth below.

Regarding claim 15, 16, 19, 12-22 and 26-27, applicant states the grooves in the Kokai reference are equally distributed and that if one were to modify the teachings of the Kokai reference to eliminate the equal intervals, controlling the cords may not be possible. In response, it should be noted that the grooves on the Kokai reference have no bearing or consequences on the longitudinal core wires because the grooves are not deep enough to touch the core wires and thus the spacing intervals of the grooves are not limited to the core wires. In respect to the Miranti reference, Applicant indicated that the Miranti reference is directed to a V-ribbed belt having side edges and different sections such as a compress section and a load carrying section. In addition, applicant contended the unequal distribution of the grooves on the belt of Miranti is pulley related so as to reduce noise when the grooves leave the pulley. In response, Miranti clearly discloses that it is well known in the art for a transmission belt to have grooves staggered so as to reduce noise. Miranti's belt is not directed to a particular transmission belt. Therefore, any transmission belt that engages a pulley such as that of the Kokai reference is included. Furthermore, all transmission belts inherently include a compression section and a load carrying section and the Kokai belt is not excluded.

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Regarding argument relating to claim 22, the Kokai reference meet the claim because the claim only specify that the grooves have two angles and that does not mean they are different from each other (see fig.8).

For the above reasons, it is believed that the rejections should be sustained.

Regarding claim 25, applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of the rejection of the claim has been withdrawn.

Allowable Subject Matter

Claim 25 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Respectfully submitted,

Marcus Charles

/Marcus Charles/

Primary Examiner, Art Unit 3656

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December 21, 2008

Conferees

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